

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JAY B. COPE,	:	Civil No. 1:20-cv-0133
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
Superintendent BRITTAIN, <i>et al.</i> ,	:	
	:	
Defendants.	:	Judge Jennifer P. Wilson

ORDER

For the reasons stated in the accompanying memorandum, **IT IS**

ORDERED AS FOLLOWS:

1. The Plaintiff's application to proceed in forma pauperis (Doc. 7) is **GRANTED**.
2. Plaintiff shall pay the full filing fee of \$350.00, based on the financial information provided in the application to proceed in forma pauperis. The full filing fee shall be paid regardless of the outcome of the litigation.
3. Pursuant to 28 U.S.C. § 1915(b)(1) and (2), the Superintendent/Warden, or other appropriate official at the Plaintiff's place of confinement is directed to deduct an initial partial filing fee of 20% of the greater of:
 - (A) the average monthly deposits in the inmate's prison account for the past six months, or
 - (B) the average monthly balance in the inmate's prison account for the past six months.

The initial partial filing fee shall be forwarded to the Clerk of the United States District Court for the Middle District of Pennsylvania, P.O. Box 1148, Scranton, Pennsylvania, 18501 1148, to be credited to the above

captioned docket number. In each succeeding month, when the amount in the Plaintiff's inmate trust fund account exceeds \$10.00, the Superintendent/Warden, or other appropriate official, shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to the Plaintiff's inmate trust fund account until the fees are paid. Each payment shall reference the above captioned docket number.

4. The Clerk of Court is **DIRECTED** to send a copy of this Order to the Superintendent/Warden of the institution wherein Plaintiff is presently confined.
5. The complaint is **DEEMED** filed.
6. The complaint is **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).
7. The Clerk of Court is directed to **CLOSE** this case.
8. Any appeal from this order is **DEEMED** frivolous and not taken in good faith. *See* 28 U.S.C. § 1915(a)(3).

s/Jennifer P. Wilson
JENNIFER P. WILSON
United States District Court Judge
Middle District of Pennsylvania

Dated: February 21, 2020